

Suppl. 7 (to USPTO)

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Article 52²⁸
Patentable inventions

(1) European patents shall be granted for any inventions which are susceptible of industrial application, which are new and which involve an inventive step.

(2) The following in particular shall not be regarded as inventions within the meaning of paragraph 1:

- (a) discoveries, scientific theories and mathematical methods;
- (b) aesthetic creations;
- (c) schemes, rules and methods for performing mental acts, playing games or doing business, and programs for computers;
- (d) presentations of information.
- (3) The provisions of paragraph 2 shall exclude patentability of the subject-matter or activities referred to in that provision only to the extent to which a European patent application or European patent relates to such subject-matter or activities as such.
- (4) Methods for treatment of the human or animal body by surgery or therapy and diagnostic methods practised on the human or animal body shall not be regarded as inventions which are susceptible of industrial application within the meaning of paragraph 1. This provision shall not apply to products, in particular substances or compositions, for use in any of these methods.

²⁸ See decisions of the Enlarged Board of Appeal G 5/83, G 6/83, G 1/98, G 1/03, G 2/03 (Annex I).

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Date of decision	05 December 1984	Case number	0001/83 - EBA
Application number	EP79100968	IPC	A61K
Proceedings Language	DE	Title of the application	
Applicant name	Bayer	Opponent name	Articles EPC Art and 52(1) Rules Art 52(4) Art 54(5) Art 57
Headnote	I. A European Patent with claims directed to the use may not be granted for the use of a substance or composition for the treatment of the human or animal body by therapy. II. A European patent may be granted with claims directed to the use of a substance or composition for the manufacture of a medicament for a specified new and inventive therapeutic application. For corresponding English text see decision G_0005/83		
Keywords	Interpretation of the EPC Interpretation of the Vienna Convention Therapeutical use claims Second medical indication		
Cited Decisions			
Catchwords:			